

# EXHIBIT C

2021-26671 / Court: 157

CAUSE NO. \_\_\_\_\_

SHARON K. CUSHINGBERRY	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
	§	
CHIPOTLE MEXICAN GRILL, INC,	§	
AND CHIPOTLE TEXAS, LLC.	§	_____ JUDICIAL DISTRICT
Defendant.	§	

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

COMES NOW, SHARON K. CUSHINGBERRY, (hereinafter referred to as "Plaintiff"), and complains of CHIPOTLE MEXICAN GRILL, INC, and CHIPOTLE TEXAS, LLC (hereinafter collectively referred to as "Defendant" or "Chipotle"), and files this Original Petition and Request for Disclosure and would respectfully show this Honorable Court as follows:

**I.****DISCOVERY CONTROL PLAN AND REQUEST FOR DISCLOSURE**

1.1 Pursuant to Rules 190.1 and 190.3 of the TEXAS RULES OF CIVIL PROCEDURE, discovery is intended in this lawsuit to be conducted under Level 2.

1.2 Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is hereby requested to disclose the information and material described in Rule 194.2 within **fifty (50) days** of service of this request.

1.3 As required by Rule 47 of TEXAS RULES OF CIVIL PROCEDURE, Plaintiff seeks monetary relief in an amount over \$100,000 from Defendant. Plaintiff hereby reserves the right to amend this damage calculation as discovery progresses.

## **II.** **PARTIES**

2.1 Plaintiff, Sharon K. Cushingberry, is an individual and a resident of Pearland, Brazoria County, Texas.

2.2 Defendant, Chipotle Mexican Grill, Inc. is a Delaware corporation registered to conduct business under the laws of the State of Texas. Chipotle Mexican Grill, Inc. may be served with process by and through its registered agent, National Registered Agents, Inc., 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

Chipotle Texas, LLC is a Delaware corporation registered to conduct business under the laws of the State of Texas. Chipotle Texas, LLC may be served with process by and through its registered agent, National Registered Agents, Inc., 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3116.

2.3. Plaintiff expressly invokes the right under Rule 28 of the TEXAS RULES OF CIVIL PROCEDURE to have the true name(s) of the parties substituted at a later time upon the motion of any party or of the Court.

## **III.** **JURISDICTION AND VENUE**

3.1 This Court has subject-matter jurisdiction in this case because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

3.2 Venue is proper in Harris County, Texas pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Harris County, Texas.

## **IV.** **FACTS**

4.1 On or about May 9, 2019, Plaintiff Sharon K. Cushingberry entered Chipotle Mexican Grill located at 5600 Kirby Dr., Suite N1, Houston, Texas 77005 to purchase a meal.

4.2 Plaintiff entered the restaurant via the designated route for customers who were ordering food. She purchased her meal and proceeded to walk via the path for customers to take upon leaving the restaurant. As she proceeded along the designated exit path, she slipped and fell without warning on the slick/wet floor. The floor did not contain an adequate sign or warning pertaining to the wet area. The impact with the floor caused her to suffer severe, permanent, and debilitating injuries.

4.3 Defendant had a duty of ordinary care to inspect the premises and/or make safe any dangerous condition; or give an adequate warning about potentially unsafe conditions. Defendant breached this duty by not only failing to inspect and make its premises safe, but also by failing to adequately warn Plaintiff of any the unreasonably dangerous condition by the lack of warning or barriers.

4.4 Defendant's failure to provide reasonably safe premises and its failure to warn its customers of unsafe conditions on the premises solely and proximately caused Plaintiff's severe injuries and resulting damages.

**V.**  
**CAUSES OF ACTION AGAINST DEFENDANT**

5.1 At all times material to this lawsuit, Defendant, owned, operated, managed and controlled the premises, which includes all buildings, grounds and parking areas therein, including where the subject incident occurred. Plaintiff was an invitee on the premises in question. Defendant knew, or in the exercise of ordinary care should have known, an unreasonably dangerous condition existed which posed an unreasonable risk of harm to the general public, including Plaintiff, but failed to inspect and make safe or adequately warn Plaintiff of the

condition. Furthermore, Plaintiff was without knowledge of the dangerous condition of the premises prior to the incident in question.

5.2 At the time and on the occasion in question:

- a) A condition existed on Defendant's premises that posed an unreasonable risk of harm to a person, such as Plaintiff on the premises;
- b) Defendant knew, or should have known in the exercise of ordinary care, that the condition of the premises posed an unreasonable risk of harm;
- c) Defendant should have anticipated that a person, such as Plaintiff, on the premises would not discover the danger or would fail to protect themselves against it;
- d) Defendant was negligent in that Defendant created the condition, knew or should have known about the condition, and negligently failed to correct the condition; and
- e) The condition of Defendant's premises caused Plaintiff's injuries and damages.

## **VI.** **DAMAGES**

6.1 As a result of the incident made the basis of this lawsuit and the negligence of Defendant, Plaintiff, Sharon K. Cushingberry, was severely injured and has required extensive medical treatment. Since then, Plaintiff has been limited in her efforts to carry out her daily activities.

6.2 By reasons of the foregoing, Plaintiff has sustained at least the following damages for which she seeks compensation under the law:

- a) Pecuniary losses;
- b) Medical and pharmaceutical charges and expenses in the past;
- c) Medical pharmaceutical charges and expenses that, in reasonable medical probability, will be incurred in the future;
- d) Pain and suffering in the past;
- e) Pain and suffering that, in reasonability, will be suffered in the future;

- f) Mental anguish suffered in the past;
- g) Mental anguish that, in reasonable probability, will be suffered in the future;
- h) Costs of Court; and
- i) Pre- and post-judgment interest allowed by law.

6.3 The damages sought are within the jurisdictional limits of the Court. Plaintiff seeks monetary relief in an amount exceeding \$100,000.00. The foregoing allegation of monetary relief sought is based upon information and belief. Plaintiff reserves the right to amend this Petition, including the foregoing allegation of the monetary relief sought as further information becomes available.

## **VII. JURY DEMAND**

7.1 Pursuant to Rule 216 of the Texas Rules of Civil Procedure, demand trial by jury, and pursuant to Tex. Gov't Code Ann. §51.604, Plaintiff hereby makes demand and application for jury trial.

## **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that Defendant be cited to appear and answer herein, and that upon a final hearing hereof, Plaintiff have and recover judgment against Defendant for actual damages in an amount the jury deems reasonable under the circumstances which are in excess of the minimum jurisdictional limits of the Court, together with pre-judgment interest, post-judgment interest, costs of court, and for such other and further relief to which Plaintiff may be justly entitled.

SIGNATURE PAGE TO FOLLOW

Respectfully submitted,

**SHARON K. CUSHINGBERRY**

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By: /s/ Sharon K. Cushingberry

SHARON K. CUSHINGBERRY

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